

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

RP.No. 788 of 2007(I)

**AGAINST THE JUDGEMENT/ORDER IN WPC.12682/2007 Dated
15/06/2007**
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REVIEW PETITIONERS/PETITIONERS

- 1. K.I.SALIM, S/O.SRI.K.K.IBRAHIM,
AGED 47 YEARS, ASSISTANT COMMISSIONER (AUDIT
ASSESSMENT), SALES TAX COMPLEX, THEVARA,
ERNAKULAM, RESIDING AT KOTTAPPURAM HOUSE,
SPW ROAD, COMPANYPPADY, ALUVA.**
- 2. T.J.MATHEW, S/O.THE LATE P.JOHN MATHEW,
AGED 50 YEARS, COMMERCIAL TAX OFFICER,
AUDIT ASSESSMENT, COMMERCIAL TAXES, CHENGANNUR,
RESIDING AT DANAPADIKKAL HOUSE, CHNGANNUR.**

**BY ADV. SMT.K.RADHAMANI AMMA
SRI.ANTONY MUKKATH
SRI.K.RAMACHANDRAN (THYKODAM)**

RESPONDENTS: RESPONDENTS 1 TO 4 IN THE WPC

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, COMMERCIAL TAXES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. COMMISSIONER OF COMMERCIAL TAXES,
COMMERCIAL TAXES DEPARTMENT, VELLAYAMBALAM,
VIKAS BHAVAN PO, THIRUVANANTHAPURAM.**

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**3. P.NJANAPRAKASH,
ASSISTANT COMMISSIONER (ASSESSMENT) V,
SPECIAL CIRCLE-II, DEPARTMENT OF COMMERCIAL TAXES,
SALES TAX COMPLEX, THEVARA, ERNAKULAM
ON DEPUTATION TO WORKS CONTRACT, ERNAKULAM.**

**4. DHARMA RATNAM,
VELASSERY HOUSE, KURIAPPALLY,
MOOTHAKUNNAM PO, ERNAKULAM DISTRICT,
PIN 683 516.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K.BALAKRISHNAN NAIR, J.

R.P.No.788 of 2007 in W.P.(C).No.12682 of 2007

Dated this the 22nd day of August, 2007.

ORDER

The petitioners challenged the seniority lists of Assistant Sales Tax Officers (Ext.P15) and Sales Tax Officers (Ext.P17). There was delay from the part of the petitioners to challenge it. Accordingly, the writ petition was dismissed holding them guilty of delay and laches. This review petition is filed stating that this court by Annexure-I judgment dated 5th July, 2006 dismissed a batch of original petitions, in which, the seniority list of Sales Tax Officers for the period from 1-4-1974 to 30-6-1992 was under challenge, noticing that a revised seniority list has been published. The said batch of original petitions were dismissed without prejudice to the contentions of both sides and the rights of the petitioners to challenge the revised seniority list, if they are aggrieved by it. It was also observed that the affected party respondents can also challenge it. The petitioners herein were the respondents in some of those original petitions. So, they submit in view of the said judgment there is no delay. Even after Annexure-I judgment the petitioners took about another 9 months to challenge the impugned seniority list.

(2). I am of the view that the petitioners in Annexure-I judgment alone can claim any relaxation in the matter of delay. The revision of a seniority list affects the fortunes of hundreds of employees. If any one has got any grievance against a revised seniority list, the same has to be challenged promptly. Even assuming the delay up to the date of Annexure-I judgment can be ignored, the delay of 9 months after the judgment is a serious matter which cannot be ignored. Further, the usual

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grounds available for reviewing a judgment are not available in this case.

In the result, the Review Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS